

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA
PHILADELPHIA DIVISION**

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| In re: Sharonn E. Thomas, Debtor. The Bank Of New York Mellon F/K/A the Bank Of New York As Trustee for First Horizon Alternative Mortgage Securities Trust 2006-Fa2 Objecting Party. v. Sharonn E. Thomas and William C. Miller, Esq., Ch. 13 Trustee, Respondents. | Bankruptcy 18-17430-elf Chapter 13 Related to Doc. No. 30 |
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OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN

The Bank Of New York Mellon F/K/A the Bank Of New York As Trustee for First Horizon Alternative Mortgage Securities Trust 2006-Fa2 ("Secured Creditor"), by and through its undersigned counsel, objects to confirmation of Debtor's Chapter 13 Plan (DE #30), and states as follows:

1. Debtor, Sharonn E Thomas ("Debtor"), filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on November 8, 2018.
2. Secured Creditor holds a security interest in the Debtor's real property located at 6106 Oxford Street, Philadelphia, PA 19151, by virtue of a Mortgage recorded on March 15, 2006, Document Number 51399490 of the Public Records of Philadelphia County, PA. Said Mortgage secures a Note in the amount of \$52,733.00.
3. The Debtor filed a Chapter 13 Plan on December 10, 2018.
4. Debtor's Plan evidences an intent to seek loss mitigation with Secured Creditor. However, Debtor's Plan fails to include adequate protection payments to Secured

Creditor. Secured Creditor would find an adequate protection payment of \$2,122.94 sufficient. Therefore, Secured Creditor objects to the proposed monthly adequate protection payments and any other payment below \$2,122.94, during the pendency of loss mitigation negotiations.

5. Thus far, loss mitigation has not been offered or approved. Debtor is obligated to fund a Plan which is feasible to cure the arrears due to the objecting creditor within a reasonable time pursuant to 11 U.S.C § 1322(b)(5). Therefore, in the event that any loss mitigation efforts are not successful, the plan fails to satisfy the confirmation requirements of 11 U.S.C § 1325(a)(1).

WHEREFORE, Secured Creditor respectfully requests this Court sustain the objections stated herein and deny confirmation of Debtor's Plan, and for such other and further relief as the Court may deem just and proper.

RAS Crane, LLC
Attorney for Secured Creditor
10700 Abbott's Bridge Road, Suite 170
Duluth, GA 30097
Telephone: 470-321-7112
Facsimile: 404-393-1425

By: /s/Kevin Buttery
Kevin Buttery, Esquire
Pennsylvania Bar Number 319438
Email: kbuttery@rascrane.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 20, 2018, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system, and a true and correct copy has been served via CM/ECF or United States Mail to the following parties:

JOSHUA LOUIS THOMAS
JOSHUA L. THOMAS & ASSOCIATES
PO BOX 415
POCOPSON, PA 19366

SHARONN E. THOMAS
856 NORTH 29TH ST.
PHILADELPHIA, PA 19130

WILLIAM C. MILLER, ESQ.
CHAPTER 13 TRUSTEE
P.O. BOX 1229
PHILADELPHIA, PA 19105

UNITED STATES TRUSTEE
OFFICE OF THE U.S. TRUSTEE
833 CHESTNUT STREET
SUITE 500
PHILADELPHIA, PA 19107

RAS Crane, LLC
Attorney for Secured Creditor
10700 Abbott's Bridge Road, Suite 170
Duluth, GA 30097
Telephone: 470-321-7112
Facsimile: 404-393-1425

By: /s/Kevin Buttery
Kevin Buttery, Esquire
Pennsylvania Bar Number 319438
Email: kbuttery@rascrane.com